

**Introduced by Senator Hernandez**February 22, 2013

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An act to amend Section 3212.11 of the Labor Code, relating to workers' compensation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 773, as introduced, Hernandez. Workers' compensation: lifeguards.

Existing law provides, among other things, that skin cancer developing in active lifeguards, as defined, is presumed to arise out of and in the course of employment, unless the presumption is rebutted. The presumption is extended to a lifeguard following termination of service for a period of 3 calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3212.11 of the Labor Code is amended
- 2 to read:
- 3 3212.11. (a) This section applies to both of the following: ~~(a)~~
- 4 (1) active lifeguards employed by a city, county, city and county,
- 5 district, or other public or municipal corporation or political
- 6 subdivision, and ~~(b)~~ (2) active state lifeguards employed by the
- 7 Department of Parks and Recreation. ~~The~~

1 (b) *The* term “injury,” as used in this division, includes skin  
2 cancer that develops or manifests itself during the period of the  
3 lifeguard’s employment. ~~The~~

4 (c) *The* compensation awarded for that injury shall include full  
5 hospital, surgical, and medical treatment, disability indemnity, and  
6 death benefits, as provided by the provisions of this division.

7 ~~Skin~~

8 (d) *Skin* cancer so developing or manifesting itself shall be  
9 presumed to arise out of and in the course of the employment. This  
10 presumption is disputable and may be controverted by other  
11 evidence, but unless so controverted, the appeals board shall find  
12 in accordance with it. This presumption shall be extended to a  
13 lifeguard following termination of service for a period of three  
14 calendar months for each full year of the requisite service, but not  
15 to exceed 60 months in any circumstance, commencing with the  
16 last date actually worked in the specified capacity.

17 ~~Skin~~

18 (e) *Skin* cancer so developing or manifesting itself in these cases  
19 shall not be attributed to any disease existing prior to that  
20 development or manifestation.

21 ~~This~~

22 (f) *This* section shall only apply to lifeguards employed for more  
23 than three consecutive months in a calendar year.